

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IN RE: SEARCH WARRANT OF THE
RESIDENCE LOCATED AT 12720
BUCKTHORNE LANE, RENO,
NEVADA, AND STORAGE
UNITS 136, 140, 141, 142, AND 143,
DOUBLE R STORAGE,
888 MAESTRO DRIVE, RENO,
NEVADA

DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,

Plaintiffs,

v.

ETREPPID TECHNOLOGIES, LLC;
WARREN TREPP; and the
UNITED STATES DEPARTMENT
OF DEFENSE,

Defendants.

AND ALL RELATED MATTERS.

3:06-CV-263-PMP-VPC
3:06-MJ-00023-VPC

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC

ORDER

On March 19, 2007, this Court entered an Order (Doc. #122) which overruled objections by respondent United States to an Order entered November 28, 2006, by the Honorable Valerie P. Cooke, United States Magistrate Judge (Doc. #86) granting the motion of Dennis Montgomery, Brenda Montgomery, and the Montgomery

1 Family Trust (“Montgomery”) to unseal search warrant affidavits and return seized
2 property. The United States since has complied with that portion of the Order which
3 required respondent United States to return to Montgomery property seized pursuant to the
4 search warrants.

5 In an attempt to accommodate concerns raised by the parties in this action and in
6 related civil actions (3:06-CV-00056-PMP-VPC and 3:06-CV-00145-PMP-VPC), the Court
7 stayed the unsealing of the search warrant case file to allow counsel in the related civil
8 actions to review the search warrant case file and determine whether the unsealing of any
9 portion thereof potentially would violate assertions of the military and state secrets privilege
10 on behalf the United States and the trade secrets privilege on behalf of eTreppid
11 Technologies Inc. Since the entry of this Court’s March 19, 2007 Order counsel for the
12 parties to the related civil actions have had the opportunity to review in detail the contents
13 of the search warrant case file. Following in camera proceedings before the undersigned,
14 and where deemed appropriate, the assertion of the military and states secrets privilege by
15 the United States has resulted in redaction of small portions of some documents contained
16 in the search warrant case file. Additionally, other objections and claims of trade secrets
17 privilege raised by the parties to the release of the search warrant case file have been
18 resolved in proceedings before Magistrate Judge Cooke.

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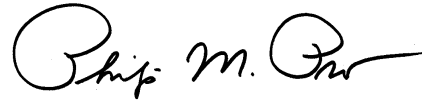
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1 IT IS THEREFORE ORDERED that search warrant case file in 3:06-CV-0263-
2 PMP-VPC which previously has been redacted to remove material subject to the United
3 States' claim of military and states secrets privilege is hereby unsealed with the exception of
4 Document #70 and Exhibit #30 which shall remain sealed in accord with the prior Orders of
5 the Court.

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7 DATED: September 17, 2007.

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10 PHILIP M. PRO
11 United States District Judge
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